

SESSION OF 2002

SUPPLEMENTAL NOTE ON SENATE BILL NO. 400

As Amended by House Committee on
Judiciary

Brief*

SB 400 would authorize a court to appoint an individual who is not a Kansas resident to serve as the administrator of a Kansas estate, when the non-resident has appointed a resident as agent, in writing. A non-resident individual may be granted letters of administration once he or she has appointed a resident as agent, in writing. The bill would also require the written appointment of an agent to include written acceptance of the appointment by the agent.

The bill also amends a part of the Uniform Elective Share of the Surviving Spouse Act to provide that, before the rights of a surviving spouse can be waived, the waiver document must provide that any such rights were understandably and knowledgeably waived. This waiver provision will apply to documents executed on or after July 1, 2002.

Background

The bill was supported by the Kansas Judicial Council. The bill will place a non-resident seeking to serve as administrator (no will –intestate) in the same position as an executor (will).

The bill has no fiscal impact.

The House Committee inserted the provisions on spousal waiver which are also contained in HB 2672.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.accesskansas.org/legislature/>